

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2025

By: Representatives Hood, Powell, Burch,  
Calvert, Keen, Tubb, Hale, Arnold

To: Judiciary A

HOUSE BILL NO. 1193  
(As Sent to Governor)

1 AN ACT TO PROHIBIT CERTAIN ACTIONS RELATED TO DIVERSITY,  
2 EQUITY AND INCLUSION; TO DEFINE TERMS; TO REQUIRE THE BOARD OF  
3 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, THE MISSISSIPPI  
4 COMMUNITY COLLEGE BOARD, THE MISSISSIPPI STATE BOARD OF EDUCATION,  
5 AND THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD TO ENSURE THAT  
6 EACH INSTITUTION, COLLEGE, AND PUBLIC SCHOOL DOES NOT USE CERTAIN  
7 FUNDS FOR CERTAIN PURPOSES; TO REQUIRE ALL PUBLIC SCHOOLS AND  
8 PUBLIC POSTSECONDARY EDUCATION INSTITUTIONS TO TEACH, PROMOTE, AND  
9 DISTRIBUTE INFORMATION BASED ON THE DEFINITIONS PROVIDED IN STATE  
10 LAW; TO CREATE EXCEPTIONS; TO REQUIRE EACH INSTITUTION, COLLEGE,  
11 OR PUBLIC SCHOOL TO SUBMIT A REPORT TO ITS GOVERNING BOARD BY JULY  
12 30 OF EACH YEAR SUMMARIZING ALL REPORTED INCIDENTS AND  
13 INVESTIGATIONS; TO REQUIRE EACH BOARD TO SUBMIT A REPORT OF  
14 INCIDENTS AND INVESTIGATIONS TO THE LEGISLATURE BY OCTOBER 30 EACH  
15 YEAR; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** The purpose of this act is to prohibit public  
18 schools and public postsecondary educational institutions from  
19 taking certain actions and engaging in discriminatory practices.  
20 This act seeks to ensure that employment, academic opportunities  
21 and student engagement are based solely on individual merit,  
22 qualifications and academic performance, without consideration of  
23 an individual's race, sex, color, national origin, or expressed



24 opposition to, or refusal to affirm or participate in, diversity,  
25 equity and inclusion.

26 **SECTION 2.** (1) As used in this act, the following terms  
27 shall have the meanings ascribed herein unless the context clearly  
28 requires otherwise:

29 (a) "Diversity, equity and inclusion" shall mean:

30 (i) Any effort to select or influence the  
31 composition of the faculty, staff, employee or student body by  
32 favoring applicants based on race, sex, color or national origin;

33 (ii) Any effort to promote differential treatment  
34 of or provide special benefits to individuals in employment or  
35 admissions based on race, sex, color or national origin;

36 (iii) Any effort to promote or promulgate policies  
37 and procedures designed or implemented to favor individuals based  
38 on race, color or national origin, except as otherwise permitted  
39 in state and federal law;

40 (iv) Any effort to require trainings, programming,  
41 or activities designed and\or implemented to compel participants  
42 to change their beliefs with reference to race, color, national  
43 origin, gender identity or sexual orientation; and

44 (b) "Diversity, equity and inclusion office" means an  
45 office, division or other unit of an institution of higher  
46 learning, community college or public school established for the  
47 purpose of:



(i) Promoting hiring decisions or employment practices at the institution, college or public school that favor individuals based on race, sex, color or national origin;

(ii) Promoting differential treatment of or providing special benefits to favor individuals in admissions and hiring based on race, sex, color or national origin; or

(iii) Promoting policies or procedures or conducting trainings, programs, or activities designed or implemented to favor individuals based on race, sex, color or national origin, other than policies or procedures approved in writing by the institution, college or public school's legal counsel for the sole purpose of ensuring compliance with any applicable formal final finding of the court.

(c) "Diversity statement" means a written statement or essay that requires an individual to express their views or commitment regarding issues related to race, sex, color, national origin, gender identity, sexual orientation, or national origin.

(d) "Diversity training" means any formal or informal education, seminars, workshops or institutional program that focus on increasing awareness or understanding of issues related to race, sex, color, gender identity, sexual orientation or national origin.

(e) "Divisive concepts" are concepts that:

(i) One (1) race, sex, color, or national origin is inherently superior to another race or sex;



(ii) An individual, by virtue of his or her race, sex, color, national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(iii) An individual should be discriminated against or treated adversely solely because of their race, sex, color, or national origin;

(iv) Members of one (1) race, one (1) sex, one (1) color, one (1) national origin cannot and should not attempt to treat others without respect to race, color, national origin or sex, gender identity, sexual orientation, or national origin;

(v) An individual's moral character is necessarily determined by his or her race, color, sex, or national origin;

(vi) An individual, by virtue of his or her race, color, sex or national origin, bears responsibility for actions committed in the past by other members of any class listed herein;

(vii) An individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race, color, sex, or national origin; or

(viii) Meritocracy or traits such as hard work ethic are racist or sexist, or were created by a particular class to oppress another class.

(f) "Public school" means an elementary or secondary school governmental entity under the exercise and management of a local school governing board, established to supervise one or more



public schools within its geographical limits pursuant to state statutes. The term also includes:

(i) Agricultural high schools;

(ii) The Mississippi School for the Deaf and Blind, under the governing authority of the State Board of Education;

(iii) The Mississippi School for the Arts, under the governing authority of the State Board of Education;

(iv) The Mississippi School for Mathematics and Science, under the governing authority of the State Board of Education; and

(v) Public charter schools.

(g) "Public postsecondary education institutions" means any state-supported four-year college or university under the purview of the Board of Trustees of the State Institutions of Higher Learning and any two-year community or junior college under the purview of the Mississippi Community College Board and the boards of trustees of the community college district to which the community or junior college is assigned.

(h) "Board" or "boards" means either the Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board, the Mississippi State Board of Education, the Mississippi Charter School Authorizer Board, the local board of education for a local school district, or the governing board of a public charter school, or all of them, as applicable.



(i) "Sex" has the definition given in Sections 1-3-83(3) and 41-141-3(a).

(j) "Gender identity" reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

**SECTION 3.** The Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board, the Mississippi State Board of Education and the Mississippi Charter School Authorizer Board shall ensure that each institution, college and public school, as applicable, shall not:

(a) Establish or maintain a diversity, equity and inclusion office as defined in subsection (1)(b) of this section;

(b) Engage in divisive concepts as defined in Section 2(d) and (e) of this act;

(c) Hire or assign faculty, staff or employee of the institution, college or public school or contract with a third party to perform the duties of a diversity, equity and inclusion office;

(d) Require, request, or consider diversity statements or similar materials from job applicants as part of the hiring process, contract renewal process, evaluation or promotion process;



146 (e) Give preference based on race, sex, color or  
147 national origin to an applicant for employment, or when awarding a  
148 contract at the institution, college or public school;

149 (f) Maintain any programs, including academic programs  
150 or courses, or offices that promote diversity, equity and  
151 inclusion, endorse divisive concepts or concepts promoting  
152 transgender ideology, gender-neutral pronouns, deconstruction of  
153 heteronormativity, gender theory, sexual privilege or any related  
154 formulation of these concepts;

155 (g) Require, as a condition of enrolling at, accepting  
156 employment with, or being awarded a contract at an institution,  
157 college or public school, or as a requirement of continuing  
158 enrollment, employment or contractual obligation at an  
159 institution, college or public school, any person to participate  
160 in diversity, equity and inclusion training;

161 (h) Penalize or discriminate against a student,  
162 employee, faculty, staff or contractor on the basis of his or her  
163 refusal to support, believe, endorse, embrace, confess, act upon  
164 or otherwise assent to a diversity, equity or inclusion concept as  
165 set forth in this section; and

166 (i) Require any "diversity training" as defined in  
167 Section 2 or any other policies or procedures that result in any  
168 formal or informal education, seminars, workshops or institutional  
169 program that focus on increasing awareness or understanding of



170 issues related to race, sex, color, gender identity, sexual  
171 orientation or national origin.

172       **SECTION 4.** (1) The State Department of Education, the Board  
173 of Trustees of State Institutions of Higher Learning, the  
174 Mississippi Community College Board and the Mississippi Charter  
175 School Authorizer Board shall recognize, teach and establish  
176 policies and curriculum in accordance with the definitions of the  
177 terms "female," "male" and "sex" as provided in Section 1-3-85 and  
178 Section 41-141-3(a). Notwithstanding any other provision of law  
179 to the contrary, the policies and curriculum authorized by this  
180 subsection shall be adopted and approved as provided by law.

181       (2) Nothing in this section may be construed to limit or  
182 prohibit an institution, college or public school, or an employee,  
183 faculty or staff of such, from submitting to a grantor or  
184 accrediting body a statement that certifies compliance with  
185 controlling state and federal antidiscrimination laws for purposes  
186 of applying for a grant or from complying with the terms of  
187 accreditation by an accrediting body.

188       **SECTION 5.** This act may not be construed to apply to and/or  
189 prohibit:

190               (a) Programs for Military Veterans, students with  
191 disabilities or students presently or formerly under a child  
192 protective services order;





193 (b) Scholarly research or a creative work by students,  
194 faculty, employee or staff at an institution, college or public  
195 school or the dissemination of that work;

196 (c) An activity of a registered student organization,  
197 guest speaker or performer at an institution, college or public  
198 school as long as state funds are not used;

199 (d) A policy to limit or restrict freedom of speech  
200 pursuant to the First Amendment of the United State Constitution  
201 or Section 13 of the Mississippi Constitution or academic course  
202 instruction that undermines the duty of a public school, or public  
203 postsecondary educational institution to protect academic course  
204 instruction, intellectual diversity and true expression provided  
205 that none of these protected tenets conflict with the act;

206 (e) Data collection or reporting of demographic data by  
207 a public school or public postsecondary educational institution;

208 (f) Student recruitment;

209 (g) Programs, campus activities or certifications for  
210 compliance with state and federal laws or applicable court order;

211 (h) An institution, college or public school from  
212 requiring or taking action against a student, employee, faculty,  
213 staff or contractor for failing to comply with federal or state  
214 law;

215 (i) Discussing pathological approaches or experience  
216 with students with mental or physical disabilities; or



(j) Prohibit a public school or public postsecondary education institution from complying with any applicable academic accreditation standards or requirements.

**SECTION 6.** Beginning in 2026, by July 30 of each year, each institution, college or public school shall submit to their respective boards an annual report summarizing all formal complaints and the dispositions of those investigations and violations. Any institution, college or public school that is not in compliance with the requirements of this act at the time the institution, college or public school files the required report shall provide a written statement explaining its failure to comply. By October 30 of each year, the Board of Trustees of State Institutions of Higher Learning, Mississippi Community College Board, State Board of Education and Mississippi Charter School Authorizer Board shall prepare a report that compiles the reports from each institution, college and public school and makes recommendations for any proposed changes to this act and submit it to the Legislature. The Legislature may call a representative of the Board of Trustees of the State Institutions of Higher Learning, Mississippi Community College Board, School Board of Education and the Mississippi Charter School Authorizer Board to testify before the standing legislative committees with primary jurisdiction over higher education and education, as applicable, at a public hearing of the committees regarding the boards' compliance with this section.



**SECTION 7.**

(1) Within ninety (90) days of the effective date of this act, the Board of Trustees of State Institutions of Higher Learning shall adopt a complaint process, investigative procedures, and all other policies and procedures for appropriately investigating violations of this act.

(2) (a) Within ninety (90) days of the effective date of this act, the Mississippi Community College Board, the State Board of Education in conjunction with Mississippi School Board Association and the Mississippi Charter School Authorizer Board shall adopt a model complaint process, investigative procedures and all other policies and procedures for appropriately investigating violations of this act.

(b) Within ninety (90) days of adoption of model rules, every local school board, governing board of a charter school, and board of trustees for junior and community colleges shall adopt policies and procedures for appropriately investigating violations of this act. The State Board of Education, as the governing board for state-operated schools, shall adopt such rules for these schools.

(3) Any employee, faculty, staff or contractor, or student who desires to assert a violation of this act shall file a formal complaint within thirty (30) days of the alleged violation with:

(a) The local school board of the school district in which the violation occurred;



266 (b) The governing board of the charter school in which  
267 the violation occurred;

268 (c) The State Board of Education for all state-operated  
269 schools;

270 (d) The board of trustees for the Community College in  
271 which the violation occurred; or

272 (e) The board of trustees of the state institutions of  
273 higher learning for any state institution of higher learning under  
274 its jurisdiction.

275 (4) Any person under eighteen (18) years of age may bring an  
276 action under this act through a parent, guardian or next friend  
277 and may bring an action in his or her own name upon reaching the  
278 age of eighteen (18) years.

279 (5) A person filing a complaint with any board is limited to  
280 any student enrolled at an institution, college or public school,  
281 any faculty, employee or staff member of an institution, college  
282 or public school, any contractor of an institution, college or  
283 public school, or any parent, guardian or next friend of a minor  
284 student who has allegedly been harmed by the institution, college  
285 or public school's failure to comply with this act.

286 (6) (a) The respective board shall investigate the reported  
287 violation or potential violation under the board's procedures as  
288 established in this act and make a finding within thirty (30)  
289 days. If the board does not find a violation of this act, they  
290 shall issue a formal final finding. Such board shall report that



291 finding to the person making the complaint and to the institution,  
292 college, or public school that is the subject of the  
293 investigation.

294 (b) If the board finds a violation of this act, the  
295 public school or post-secondary institution shall have twenty-five  
296 (25) days to cure all actions relating to the violation. The  
297 respective board shall issue a formal final finding to the  
298 complainant detailing found violation and the curative response  
299 within twenty-five (25) days of the formal notice. Should the  
300 error remain uncured beyond the twenty-five (25) day curative  
301 period, the aggrieved party may file an application for injunctive  
302 relief to compel the board to cure the error.

303 (7) (a) Anyone aggrieved by a formal final finding of the  
304 governing board is entitled to judicial review thereof, as  
305 hereinafter provided.

306 (b) An appeal de novo may be filed by an aggrieved  
307 party in the chancery court of the judicial district in which the  
308 institution, college, public school or charter school is located,  
309 by filing a complaint with the clerk of that court within thirty  
310 (30) days of the receipt of the formal final finding of the board.

311 (c) The scope of review of the chancery court in such  
312 cases shall determine if a violation of this act has occurred.

313 (d) The appropriate chancery court may award relief in  
314 the form of an injunction and/or actual damages.



(e) Any party aggrieved by action of the chancery court may appeal to the Supreme Court in the manner provided by law.

**SECTION 8.** (1) In addition to all other remedies provided under this act, if a public school or public postsecondary educational institution is determined, through final adjudication of the administrative procedures process and exhaustion of all judicial appeals, to be in violation of any provision of this act, the State of Mississippi shall withhold the disbursement of the following state funds if not cured within thirty (30) days of a formal final finding upon the occurrence of any second or subsequent violations of this act:

(a) For public schools, any and all state funds appropriated by the Legislature for the operation and administration of K-12 education, as determined by the disbursement of the state share of the total student funding formula funds to the local school district in violation;

(b) For state-supported public two-year and four-year postsecondary educational institutions in violation, any and all funds appropriated by the Legislature for the use, benefit, support and maintenance of such institutions, as disbursed by:

(i) The Mississippi Community College Board and the applicable local board of trustees for the respective community and junior colleges; and

(ii) The Board of Trustees of State Institutions of Higher Learning for public universities.



340 (2) Withholding of funds shall remain in effect until such  
341 time that the violating entity demonstrates full compliance with  
342 the provisions of this act, as certified by the appropriate  
343 governing authority and affirmed by the Attorney General or a  
344 court of competent jurisdiction.

345 (3) The governing board responsible for disbursement of  
346 state funds to any school district or postsecondary institution  
347 shall promulgate policies, subject to the Mississippi  
348 Administrative Procedures Law, to establish a uniform process for  
349 the implementation, enforcement and reinstatement of state funds  
350 in accordance with this section.

351 **SECTION 9.** (1) (a) If any person, parent or guardian of a  
352 minor making a complaint under this act is aggrieved by the action  
353 or inaction of the respective board, he or she may notify the  
354 Attorney General of a violation or potential violation of this act  
355 by a state institution of higher learning, community or junior  
356 college, public school or charter school by forwarding the  
357 Attorney General the complaint filed with the respective board  
358 along with the decision of the board and any supporting  
359 documentation.

360 (b) After receipt of such notification, the Attorney  
361 General may file an application for a writ of mandamus in the  
362 chancery court of competent jurisdiction for injunctive relief  
363 compelling the state institution of higher learning, community or  
364 junior college, public school board or charter school governing



board to comply with this act if such entity has failed to cure the error with the thirty-day curative period. For purposes of this section, chancery court of competent jurisdiction means the chancery court located in the judicial district in which the state institution of higher learning, community or junior college, public school or charter school is located.

(2) The appropriate chancery court may award relief in the form of an injunction and/or actual damages. Any party aggrieved by action of the chancery court may appeal to the Supreme Court in the manner provided by law.

**SECTION 10.** If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses or phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

**SECTION 11.** This act shall take effect and be in force from and after its passage.

